G R. S. 59]

(20)

GENERAL AND REVENUE SECRETARIAT.

1909
(Genl Bris)

File No. 248-08

Serial Nos. 1, 3, 5, 6, 8, 11 & 12

Papers Filed.

Month June 09.

SUBJECT.

Assignment of the exclusive privilege in respect of the Invention for Improvements in Linotype Machines by the Linotype Co. Ltd. & Edwin Lewis Booty to the Linotype & Machinery Ltd, 188, 189, Fleet Street, London.

PREVIOUS REFERENCES.	LATER REFERENCES.

G.R.S.11] 1908-9

GENERAL AND REVENUE SECRETARIAT

(Gen Mis)

NOTES.

G. M File No. 248 08

FILE HEADING.

Assignment of the exclusive privilege in respect of the invention for "Improvements in Linotype machines" by the Linotype Co Ltd & Edwin Lewis Sons to the Linotype & Machinery Ltd, 188, 189 Fleet Street, London.

From

Messrs Remfry & Son, Calcutta

No. - Dated 8-2-09 Received 12-2-09

Diary No. 3437 | Enclos. 2 | Spare Copies - | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards a deed of assignment executed by the Linotype Co Ltd & Edwin Lewis Sons in favour of the Linotype & Machinery Ltd re exclusive privilege of an invention above mentioned and a power of attorney executed by the latter and requests that the deed of assignment may be stamped & returned to them. Also remits- Rs 9/-

NOTES AND ORDERS.

Hoy R

The previous papers granting patent rights to the Linotype Co Ltd are put up.

It will be seen from the deed of assignment that the Linotype Co Ltd resolved at a meeting held on 16-7-03 to

NOTES—First sheet

GPB—30,000—3-4-07.

Serial No.

to wind up the Company voluntarily and that Edwin Lewis Scott was appointed liquidator. Again by an agreement of 12.8.1903 the Linotype & Machinery Ltd agreed to take over all the property and rights belonging to the assignors but the deed of assignment was actually drawn up on 13-1-1909. Under these circumstances it is doubtful if the Linotype Co Ltd were right in obtaining patent rights from this Govt in 1903 and renewal of the rights in 1908 when they were in liquidation. If necessary the Govt Advocate will be consulted on the point.

2 Again a sum of Rs 9/- has been received. Of this Re 1 is the fee for the power of Attorney and the remaining Rs 8 is intended for the deed of assignment. To determine the proper stamp duty on the deed the actual value (in money) of the consideration received by the assignors should be mentioned. But only a part of the consideration

Vide Schedule I-22-page 30 of the Stamps Rules-putup.

GPB—50.000—13-5-08

is mentioned and the stamp duty has been calculated on this part.

C.G. VS.
15/2/09

3 The present request of the applicants is only for stamping the assignment deed and the question whether the assignor Company was competent to obtain the renewal of the patent in 1908 does not arise. As the point has been raised it may be as well to state that the Company is perfectly right for though the resolution to make over the profits to the assignee (as also an agreement) was passed in 1903, the same was not given effect to until the execution of the deed of assignment, which took place in 1909. As against the assignees, the assignors yet possessed their right in 1908.

4 It is no doubt true that the liquidator has not joined in the application for 1908 but we are not concerned with it. It is his lookout to see that the Company would not encroach on his rights if any.

GPB—50.000—13-5-08

G. R. S. 12]
General and Revenue Secretariat.

Genl. File No. 48 of 190 8

Serial No.

D3437

further the proceedings of the Company would probably not be absolutely void as they continued to be the beneficial owners. None of these points call for any action on our part.

5 The only question for us is whether the deed of assignment would be properly stamped with a Stamp of ~~Rs~~ 8/-. The applicants have taken the ~~view~~ the 50£ into Calcutta ~~as regards to "Consideration" in the prior agreement suggests that~~ I am not sure if the words "in Consideration of the foregoing" necessarily refers to another sum mentioned in the prior agreement. It probably simply means "in pursuance of". However the matter may be made clear by asking Messrs Ronfuyt & Co. to give the total value of the Consideration including what may be compensed in the prior Agreement

24.2.09 SH

6
Draft is put up.

G. VS
24/2/09

Issue
26.2.09 SH

NOTE—Contn. sheet.

GPB—50.000—13-5-08

G. R. S. 12]
General and Revenue Secretariat.

ஜ m File No. 248 of 1908 ஏ.

Serial No.	
3	To messrs Remfry & Son. no 95013 of 2-3-09 Returns the deed of assignment forwarded with ltr 1 for re-submission with information as to the full consideration received by the assignors on a/c of the deed and with any excess stamp fee that may be necessary -
5	From the above firm - letter dated 30-5-09 Returns the deed of assignment with certain explanations as called for therein 8. messrs Remfry & Son now state that the Consideration for which the assignment in question was made is ₹ 50 and so the sum of Rs 8 already sent, covers the fee required for getting the assignment deed stamped. 9. The point is not so much of determining the fee for stamp duty as it is of some other Considerations. For, in the first instance there is no provision in the Inventions & Designs Regulation to get such deeds stamped and returned to party. Art 43 of the above Regn is not clear in this matter. In a similar instance, it was ordered to simply note change of address in the registers and return the assignment deed
Flag O	
Flag Q	

NOTE—Contn sheet.

GPB—50 000—17-3-07

Serial No.

and power of attorney (with the fees received for stamp duty) to the bank concerned.

10 Again the Lindsay Tea Company Limited to whom the exclusive privilege was granted in 1904 is said to have gone into liquidation in 1903 and all its concerns were transferred to the Lindsay Tea and Machinery Limited in the same year though the actual deed of agreement was drawn up in 1904, when the fact of its assignment of exclusive privilege in question to the latter Company was intimated to this Govt. But messrs Remfry & Son are agents to both the companies above mentioned, being such, they paid in 1908 the first renewal fee for the continuance of the above privilege in the name of the old Company and it was accepted. And they have sent the 2nd renewal fee for the same on 22.2.09 without mentioning the Company for whom it is to be renewed. The above case is separately dealt with. But unless the present case is finally disposed the 2nd renewal fee can not be accepted.

11 Submitted for orders as to whether the deed of assignment & power of attorney are to be returned to the bank without being stamped with impressed stamps as is done in the case

Flag R

X Flag A.

NOTE—Contn. sheet.

GPB—50,000—13.5.08

Serial No.

4811.

referred to above or any new procedure is to be adopted in this case.

(Q bus. 15.5.09)

17 12 Though our Patents Regn does not provide for the Registration of assignments but only for ~~change~~ note of addresses, there seems to be no objection to comply with the present request to stamp certain documents with impress stamps. This may be done & the fee credited & the changed addrss noted in the Regr.

To B v(ii) pr favour of Pr.)

Jnrs 15/5

15/5/09

13. So far as the present Case is concerned, the only question is whether the assignment deed can be stamped as requested. There seems to be no objection to doing so, and the mere fact of our stamping the documents does not bind us in any other respect.

19/5

14. Submitted with a draft to the Supdt of Stamps.

(Q bus. 19.5.09)

20

Issue CSB 20/5

GPB—50,000—13-5 08

G. R. S. 12]
General and Revenue Secretariat.

Gm File No. 248 of 1908

5015

Serial No.	
6	G 6674 of 22.5.09: To the Supdt of Stamps in Mysore:- Forwards 2 documents (1) assignment deed executed by Edwin Lewis Bosly, the liquidator of the Linotype Company (2) Power of Attorney executed by Linotype & Machinery Ltd for being duly stamped with Rs 9/-
8	To the Supdt of stamps. bo 239 d 25/5/09. Returns duly stamped the documents forwarded with sl 6 above. Dft acknt and a dft letter to messrs Rempry Sons, returning the above documents are put up. (Sd Illegible 29.5.09.) Please keep copies of the documents & return them
11	G 6928 of 8.6.09: To the Supdt of Stamps. Acknowledges the receipt of the documents sent with sl 8. 4/6/09
12	G 6929 of 8.6.09: Messrs Rempry Sons. Forwards Returns the above documents.

Note—Contn. sheet

GPB—50,000—13-5 08

D-No. 3437 (1)

G.M. 248-08:-1

From

REMFRY & SON,

Solicitors & Patent Agents,

Calcutta.

To

THE SECRETARY TO THE GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE,

Gel. & Rev. Departments,

Bangalore, Mysore

Dated Calcutta, 8th Feby 1909.

Sir,

We have the honour to forward herewith an Assignment executed by THE LINOTYPE COMPANY LIMITED of 188 Fleet Street London England (now in Liquidation) and EDWIN LEWIS BOOTY, like-wise of 188 Fleet Street aforesaid the Liquidator of the said Company, in favour of LINOTYPE AND MACHINERY LIMITED, of 188 & 189 Fleet Street London, in respect of Mysore Exclusive Privilege Register No. 1384 of 1903 dated 29th Feby 1904 for "IMPROVEMENTS IN LINOTYPE MACHINES"

We also beg to send herewith the Power of Attorney under which we are acting and name our Office at 8/2 Hastings Street, Calcutta as the Address for service under the Act.

We solicit the favour of your stamping such documents ₨8/- and ₨1/- respectively and of your returning the Assignment after the same has been duly recorded, and of your filing the Power of Attorney in your Office. A Post Office Order for ₨9/- is also sent.

We have the honour to be,
Sir,
Your very obedient servants,

REMFRY & SON.

mer

COUPON TO BE RETAINED BY PAYEE.

[The Remitter is requested to give any communication to the Payee as to the purpose for which the remittance is made. See also the counterfoil of the Payee.]

Amount of Order Rs. 9/- As.

Name of Remitter Remfry & Son

Stamping Asst &
Power of Linotype
Mysore. See letter
of date

REMFRY & SON.

per

(2)

D4844

Gen 2489 08-09
815.

(5)

To

THE SECRETARY TO THE GOVERNMENT OF ~~INDIA,~~
HIS HIGHNESS THE MAHARAJA OF MYSORE,
~~DEPARTMENT OF REVENUE AND AGRICULTURE (PATENTS).~~
Genl & Rev. Depts, Bangalore.

From

REMFRY & SON,

Solicitors and Patent Agents,

CALCUTTA.

Dated Calcutta, 10th May 09.

Sir,

re LINOTYPE CO. LD. Mysore Assignment
1384 of 1903.

With reference to the Official Letter returning this Assignment, we have referred to our principals and are informed that the full consideration received by the Assignors on account of this Asignment, including what might be comprised in the Agreement dated the 12th August 1903 referred to in paragraph 4 of the Deed is £50 - the sum mentioned on page 2, line 7 of the said Deed.

The Agreement of the 12th of August 1903 was only a preliminary agreement. It bound the Assignees to take over "all "and singular the lands buildings concessions patents goods chattels "moneys credits debts bills notes and things in action of the "Assignors and their undertaking business and goodwill thereof with "the full benefit of all contracts and agreements and securities "in respect of the said things in action to which the said Assignors "were entitled and all other their real and personal property what-"ever and wheresoever as on the 1st day of July 1903"

We have the honour to return such Assignment, and would

point

please see attached letter
for action & return
Money & cover
returned with receipt
24/4/06

G.R.S. 29A]

190 (7)

From

Secy. to the Govt. of His Highness the Maharaja of Mysore, Genl. and Rev. Dept.

To

The Supdt of Stamps in Mysore.

Dated

Despatched 22nd May 06

Received

General No. 6674

No. Gm 248-08-6

Enclosure No. Rs 9/-

Has the honor to forward herewith the marginally noted documents for stamping with Rs 9. (Rs 8 for assignment deed & Re 1 for the power of attorney) towards the fee required and to request that the documents may be duly stamped and returned to this office early

BO

Forwd
bus
20/5

1. Assignment deed executed by Edwin Lewis Brook, the liquidator of the Linotype Company Limited in favour of the Linotype and Machinery Limited of 1889 Fleet Street London, England

2. Power of Attorney executed by the Linotype and Machinery Limited of 1889 Fleet Street, London in favour of messrs Robert Rempfry, Solicitor & H.G. Rempfry, Patent Agent

MGC P—10,000—16-2-05.

V 52 242

(8)

1909 D.5015

From K Krishna Iyer Esqr

THE SUPERINTENDENT OF STAMPS,
MYSORE GOVT., BANGALORE.

To

THE SECRETARY TO THE GOVT. OF MYSORE,
GEN. AND REV. DEPTS.

E.M. 248 08-09
8 8

Dated 25

Despatched 3 May 1909

Received

General No. 239
No.

Enclosure No. Two

Sir,

I have the honor to return herewith duly Stamped one assignment & one Power of attorney received with your no. G6674 E.M 248-08-6 dated 22 Instt. and to request the favor of an acknowledgment

I have the honor to be
Sir
Your most obedient Servant

Superintendent of Stamps
in Mysore

acknr.

2 885

G.R.S. 29A]

(9)

190

From

X Secy. to the Govt. of His Highness
the Maharaja of Mysore,
Genl. and Rev. Dept.

To The Supdt of Stamps
in Mysore

Dated

Despatched 8. 6. 09

Received

General No. G 6928

No. Fm 248-08-'11

Enclosure No.

Has the honor to acknowledge
the receipt of the documents
returned duly stamped, with
your letter no 239 of 28th May 1909.

By order
for Secy
Revs.

Copied
L.R.
5/6.

MGCPB—20,000—15-2-05

2085

G.R.S. 26]

ab (10) hm File No. 248-08
Serial No. 12

Diary No. of letter replied to

No. 56929

General and Revenue Secretariat
( )
, *the* 190

To
Messrs Remfry and Son
Solicitors and Patent Agents
Calcutta

Date of issue 8-6-09

Signed by Sir CS Balasundaram

Gentlemen,
In reply to
Your letter dated the
8th Feb 09 forwarding the
Marks with mysore stamps,
the assignment executed by
"The Linotype Company Ld"
of 188 Fleet Street London, England
(now in Liquidation) and Mr Edwin
Lewis Bools, the Liquidator
of the said Company in favour of
Linotype and machinery Ld
of 1887 189 Fleet Street London
in respect of Mysore Exclusive
Privilege No 1384 of 1903 dated
29th Feb 1904 for "Improvements

ver.

1. I am directed to return hereunto duly stamped

F.S. Please make copies of the 2 documents also for the file as in stamped by the U Secs

SUBJECT.

(11) Kinotype machines"
and a Power of attorney
under which you are acting.
2) The favor you acknowledgment is requested

With reference to the above
I am directed to return
the above documents
duly stamped and to
request ~~an acknowledgment~~
that their receipt may be
kindly acknowledged.

I am &c

for Secy
Com
29/5 —

List of enclosures

Copied by 5/6.
Examined by

MGCPB—30,000—16-2-05